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**No. S 639**

ADMINISTRATION OF MUSLIM LAW ACT  
(CHAPTER 3)

MUSLIM MARRIAGE AND DIVORCE  
(AMENDMENT) RULES 2018

In exercise of the powers conferred by section 145 of the Administration of Muslim Law Act, the President of Singapore makes the following Rules:

**Citation and commencement**

1. These Rules are the Muslim Marriage and Divorce (Amendment) Rules 2018 and come into operation on 22 October 2018.

**Deletion and substitution of rule 2 and new rule 2A**

2. Rule 2 of the Muslim Marriage and Divorce Rules (R 1) (called in these Rules the principal Rules) is deleted and the following rules substituted therefor:

**“Definitions**

2.—(1) In these Rules, unless the context otherwise requires —

“additional CPF information” means any information (not contained in a relevant CPF statement) that the Court may require a person to obtain from the Central Provident Fund Board;

“agreed matrimonial property plan” means a plan, signed by both parties to a marriage, setting out the parties’ agreement as to the way in which an HDB matrimonial asset is to be divided;

“arrangements for the welfare of every dependent child of the parties” includes arrangements in relation to —

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(a) the custody, care and control of, and access to, the child;

(b) the education of the child; and

(c) any other parental responsibility for the child;

“child of the parties” means any child of the parties to a marriage (including a purported marriage that is annulled), and includes any legally adopted child;

“Court” means the Syariah Court constituted under section 34 of the Act, or a president of the Court, and includes, in any case where the registrar is empowered to act, the registrar;

“dependent child of the parties” means a child of the parties who is below 21 years of age;

“HDB matrimonial asset” means any property, as defined in section 52(14) of the Act, that consists of —

(a) any HDB flat; or

(b) any right or interest arising under an agreement to purchase an HDB flat;

“HDB standard query” means any enquiry that the Court may require a party to make with the Housing and Development Board;

“marriage counselling programme” means a programme or course that provides counselling and other support services, and information on matters relating to marriage, divorce, and reconciliation;

“parenting programme” means a programme or course that provides counselling and other support services, and information on matters relating to how a divorce may affect a child of the parties, and parenting skills;

“person lacking capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning the person’s property and affairs;

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“practice directions” means any practice directions issued by the senior president of the Court under section 34A(7) of the Act;

“president of the Court” means a president of the Court appointed under section 34A(1) of the Act, and includes an ad-hoc president of the Court appointed under section 34A(4) of the Act;

“proposed matrimonial property plan” means a plan setting out the proposal of a party to a marriage as to the way in which an HDB matrimonial asset is to be divided;

“registrar” means the registrar of the Court appointed under section 34B of the Act, and includes a deputy registrar;

“relevant CPF statement” means a statement issued by the Central Provident Fund Board containing such information as the Court may require, relating to —

(a) any account maintained by the Central Provident Fund Board for any person who is a member of the Central Provident Fund; and

(b) the amount withdrawn from any such account (including any accrued interest) for the purpose of any immovable property or for any other purpose;

“senior president of the Court” means a president of the Court designated to be the senior president of the Court under section 34A(1) of the Act;

“solicitor” means an advocate and solicitor of the Supreme Court;

“variation application” means an application under section 52(6) of the Act to vary or rescind an order made under section 52 of the Act.

(2) In these Rules, unless the context otherwise requires —

(a) any reference in Part II to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the

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website of the Registry of Muslim Marriages at <http://www.romm.gov.sg>;

- (b) any reference in Part IIA or III to a form by a number or title (other than Form 6) is to be construed as a reference to the current version of the form bearing that number or title set out in the practice directions;
- (c) Form 6 is set out on the website of the Court at <http://www.syariahcourt.gov.sg>;
- (d) any reference to the “relevant Form” for any purpose for which a specific form is required to be used in Part IIA or III is to be construed as a reference to the current version of the relevant form for that purpose set out in the practice directions; and
- (e) any reference in Part IV to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the website of the Majlis at <http://www.muis.gov.sg>.

(3) The forms set out in the practice directions may be used with such variations as the circumstances of the particular case require.

### **Jurisdiction and powers of registrar**

**2A.**—(1) The registrar of the Court may exercise, in addition to the jurisdiction and powers specified in section 34B(2)(a) of the Act, all of the jurisdiction and powers that may be exercised by a president of the Court under sections 39, 42, 43, 44, 45, 46, 53B, 54A and 54B of the Act.

(2) The registrar of the Court may exercise all of the powers that may be exercised by a president of the Court under these Rules, except —

- (a) the power mentioned in rule 27 to make a decree of divorce (not being a decree of divorce mentioned in rule 26) or nullity of marriage;
- (b) the power to hear and determine any application made under rule 8E, 8F, 11, 17, 17A, 28 or 36; and

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- (c) the power to hear and determine any appeal under rule 38.”.

### **Amendment of rule 3**

3. Rule 3 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraphs:

“(1) An application to a Kadi or Naib Kadi for solemnization of a marriage under section 95 of the Act must —

- (a) be made in Form 1A;
- (b) be accompanied by a statutory declaration made by each party to the intended marriage and the wali (if any) of the woman to be wedded;
- (c) where the application is made on or after 22 October 2018 and either party to the intended marriage is a person to whom section 94A of the Act applies, be accompanied by the details of the marriage preparation programme attended and completed by both parties to the intended marriage; and
- (d) where the application is made on or after 22 October 2018 and either party to the intended marriage is a minor when the application is made, be accompanied by —
  - (i) the consent required under section 94B(1) of the Act of each appropriate person mentioned in the Fourth Schedule to the Act; or
  - (ii) if the consent of any such appropriate person cannot be obtained, or if any such appropriate person refuses to give that person’s consent —
    - (A) an application to the Kadi or Naib Kadi to dispense with the consent of that person; and
    - (B) any evidence in support of the application mentioned in sub-paragraph (A) (including a statutory declaration by any

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person) that the Kadi or Naib Kadi may require.

(1A) The Kadi or Naib Kadi may require the applicants to provide any other information that the Kadi or Naib Kadi requires to satisfy himself that there is no lawful obstacle, according to the Muslim law or the Act, to the marriage.”.

### **New rule 3A**

4. The principal Rules are amended by inserting, immediately after rule 3, the following rule:

#### **“Marriage preparation programme**

**3A.**—(1) For the purposes of section 94A(1) of the Act, the class of persons who must attend a marriage preparation programme consists of every party to an intended marriage where —

- (a) at least one of the parties to the intended marriage is a citizen or permanent resident of Singapore;
  - (b) at least one of the parties to the intended marriage is below 21 years of age when an application is made to a Kadi or Naib Kadi for the solemnization of the intended marriage; and
  - (c) neither party to the intended marriage suffers from any illness or disability specified in paragraph (2).
- (2) The illness or disability mentioned in paragraph (1) is —
- (a) any critical illness or terminal illness that renders it impracticable or impossible for the party suffering from that illness, or both that party and the other party to the intended marriage, to attend or complete a marriage preparation programme; or
  - (b) any physical disability or infirmity (such as any visual, auditory or speech impairment) that renders it impracticable or impossible for the party suffering that disability or infirmity, or both that party and the

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other party to the intended marriage, to attend or complete a marriage preparation programme.

(3) In section 94A of the Act, “marriage preparation programme” means a programme or course that —

- (a) is organised by an organisation approved by a Director of the Ministry of Social and Family Development appointed under rule 1B(2) of the Women’s Charter (Registration of Marriages) Rules (Cap. 353, R 3);
- (b) seeks to help persons intending to get married to understand and prepare for the issues commonly arising in a marriage; and
- (c) is conducted by a person who —
  - (i) has experience in dealing with issues commonly arising in a marriage; or
  - (ii) is trained to conduct such a programme or course.”.

### **Amendment of rule 6**

5. Rule 6 of the principal Rules is amended —

(a) by deleting paragraph (2) and substituting the following paragraph:

“(2) For the purposes of section 102(2)(c) of the Act, an application for the registration of a revocation of divorce must be made in Form 4.”; and

(b) by deleting the word “, divorce” in the rule heading.

### **New Part IIA**

6. The principal Rules are amended by inserting, immediately after rule 8, the following Part:

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“PART IIA

ACTIVITIES TO BE ATTENDED BEFORE MAKING  
APPLICATION TO COURT FOR DIVORCE

**Prescribed party**

**8A.** For the purposes of section 46A of the Act and in this Part, “prescribed party” means a party to a marriage where at least one party to the marriage intends to file, or files, an application for a divorce in accordance with the Muslim law, on or after 22 October 2018.

**Prescribed activity**

**8B.**—(1) For the purposes of section 46A of the Act and in this Part, “prescribed activity” means —

- (a) a marriage counselling programme; or
- (b) both a marriage counselling programme and a parenting programme.

(2) For the purposes of section 46A of the Act and in this Part, the applicable prescribed activity is —

- (a) in relation to a prescribed party who does not have any dependent child of the parties — a marriage counselling programme; or
- (b) in relation to a prescribed party who has at least one dependent child of the parties — both a marriage counselling programme and a parenting programme.

**Time for attending applicable prescribed activity**

**8C.** For the purposes of section 46A(1) of the Act —

- (a) a prescribed party who wishes to make an application for a divorce in accordance with the Muslim law must attend the applicable prescribed activity before filing that application, but not earlier than 6 months before the date on which that application is filed; and

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- (b) a prescribed party who is a defendant in proceedings for a divorce in accordance with the Muslim law must attend the prescribed activity —
- (i) if the prescribed party wishes to make a cross-application in those proceedings — before filing the cross-application; and
  - (ii) in any event —
    - (A) not earlier than 6 months before the date on which the originating summons in those proceedings is filed; and
    - (B) not later than 21 days after the date on which the originating summons in those proceedings is served on the prescribed party.

### **Excluded party**

**8D.** A prescribed party is exempt from section 46A(1) of the Act, and is consequently an excluded party for the purposes of section 46A of the Act and this Part, if the prescribed party —

- (a) lacks capacity within the meaning of section 4 of the Mental Capacity Act;
- (b) suffers from any critical illness or terminal illness that renders it impracticable or impossible for the prescribed party suffering from that illness, or both that prescribed party and the other party to the marriage, to attend or complete the applicable prescribed activity;
- (c) suffers from any physical disability or infirmity (such as any visual, auditory or speech impairment) that renders it impracticable or impossible for the prescribed party suffering that disability or infirmity, or both that prescribed party and the other party to the marriage, to attend or complete the applicable prescribed activity; or

- (d) reconciles with the other party to the marriage during the period of iddah.

**Application under section 46A(4) of Act to be allowed to apply for divorce**

**8E.**—(1) An application by a prescribed party under section 46A(4) of the Act to be allowed to apply for a divorce in accordance with the Muslim law must be made by originating summons in Form 6A.

(2) The applicant must file the originating summons together with a supporting affidavit —

- (a) stating the particulars of the parties to the proceedings;
- (b) stating the applicant's reasons for not attending the applicable prescribed activity; and
- (c) exhibiting a copy of each document relied on in support of the application.

(3) Unless the Court otherwise directs, the originating summons and the supporting affidavit must be served on the respondent at least 7 days before the date of the first pre-trial conference or first hearing (whichever is earlier) relating to the originating summons.

(4) The Court may allow the applicant to make an application for a divorce in accordance with the Muslim law on such terms as the Court thinks fit.

**Application under section 46A(4) of Act to be allowed to make cross-application for divorce**

**8F.**—(1) An application by a prescribed party under section 46A(4) of the Act to be allowed to make a cross-application in proceedings for a divorce in accordance with the Muslim law must be made by summons in those proceedings.

(2) The applicant must file the summons together with a supporting affidavit —

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- (a) stating whether the applicant was informed, or was aware, that the applicant was required to attend the applicable prescribed activity;
  - (b) stating the applicant's reasons for not attending the applicable prescribed activity;
  - (c) exhibiting a copy of each document relied on in support of the application; and
  - (d) if the summons is filed more than 2 months after the originating summons in the proceedings was served on the applicant, stating the applicant's reason for not filing the summons within those 2 months.

(3) Unless the Court otherwise directs, the summons and the supporting affidavit must be served on the plaintiff in the proceedings mentioned in paragraph (1) at least 7 days before the date of the first pre-trial conference or first hearing (whichever is earlier) in those proceedings.

(4) The Court may allow the applicant to make a cross-application in the proceedings mentioned in paragraph (1) on such terms as the Court thinks fit.”.

### **Deletion and substitution of rule 9 and new rules 9A, 9B and 9C**

7. Rule 9 of the principal Rules is deleted and the following rules substituted therefor:

#### **“Commencement of proceedings in Court, etc.**

9.—(1) For the purposes of section 102(5)(b) of the Act, an application to the Court for a decree or order for divorce must be made by originating summons in Form 6.

(2) Except as otherwise provided in these Rules, all other proceedings in the Court must be commenced by filing an originating summons in Form 6.

(3) An originating summons must be endorsed with a case statement in Form 7, 8 or 9, whichever is appropriate, unless the Court otherwise directs.

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(4) A plaintiff must, at the time of filing of the originating summons endorsed with a case statement or at such other time as may be specified by the Court, file the plaintiff's relevant CPF statement and additional CPF information.

(5) After an originating summons has been served, the plaintiff may only amend the originating summons, or the case statement with which the originating summons is endorsed —

(a) with the leave of the Court; or

(b) in such manner as is agreed to by the defendant.

(6) Unless the Court otherwise directs, a copy of the amended originating summons, or amended case statement, must be served on the defendant.

(7) Except as expressly provided in these Rules, every application in a pending action or matter must be made by a summons in Form 10.

### **Duration and renewal of originating summons**

**9A.**—(1) For the purposes of service, an originating summons is valid in the first instance for 12 months beginning on the date of its issue.

(2) Where an originating summons has not been served on a defendant, the Court may by order extend the validity of the originating summons from time to time for such period, not exceeding 6 months at any one time, beginning on the day next following that on which the validity of the originating summons would otherwise expire, as may be specified in the order, if an application for the extension is made to the Court before that day, or such later day as the Court may allow.

### **Parenting plan**

**9B.**—(1) Where an originating summons in respect of any proceedings for divorce or nullity of marriage discloses that there is any dependent child of the parties, the plaintiff must,

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unless the Court otherwise directs, file, together with the originating summons —

(a) an agreed parenting plan in Form 11; or

(b) a proposed parenting plan in Form 12.

(2) Unless the Court otherwise directs, the parties to a marriage must try to agree on the arrangements for the welfare of every dependent child of the parties and file an agreed parenting plan.

(3) If the parties are unable to agree on the arrangements for the welfare of any dependent child of the parties, the parties may seek the advice and assistance of a person, whether or not a public officer, who is trained or has experience in matters relating to child welfare, so that the parties may resolve their disagreements harmoniously.

(4) In reaching an agreement on the arrangements for the welfare of any dependent child of the parties, the parties to the marriage must regard the welfare of that child as the paramount consideration.

### **Matrimonial property plan**

**9C.**—(1) Where an originating summons in respect of any proceedings for divorce or nullity of marriage discloses that there is an HDB matrimonial asset to be divided, the plaintiff must, unless the Court otherwise directs, file, together with the originating summons —

(a) an agreed matrimonial property plan in Form 13 and the particulars of arrangements for housing in Form 14; or

(b) a proposed matrimonial property plan in Form 15 and the particulars of arrangements for housing in Form 14.

(2) Where, at any time after the filing of an originating summons in respect of proceedings for divorce or nullity of marriage, it is disclosed that there is an HDB matrimonial asset to be divided, the plaintiff must, unless the Court otherwise

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directs, file the documents mentioned in paragraph (1)(a) or (b) in Court —

- (a) within the time specified by the Court; or
- (b) if no time is specified by the Court, before the Court makes any order under section 52(3)(d) of the Act.

(3) Before the filing of an agreed matrimonial property plan under paragraph (1)(a) —

- (a) each party to the proceedings must obtain that party's own relevant CPF statement and additional CPF information within such time and in such manner as the Court may specify;
- (b) the plaintiff must, unless the Court otherwise directs, serve the agreed matrimonial property plan on the Housing and Development Board; and
- (c) the Housing and Development Board must, within one month after the date of service of the agreed matrimonial property plan, give the plaintiff its written reply as to whether it has any objection to the agreed matrimonial property plan and, if it has any objection, the nature of the objection.

(4) Before the filing of a proposed matrimonial property plan under paragraph (1)(b) —

- (a) the plaintiff must obtain the plaintiff's relevant CPF statement and any additional CPF information, in the relevant Form and within such time as the Court may specify;
- (b) the plaintiff must submit the HDB standard query to the Housing and Development Board; and
- (c) the Housing and Development Board must give the plaintiff its written reply in the relevant Form and within such time as the Court may specify.

(5) The Court may, in an appropriate case, shorten the time within which the Housing and Development Board must give a written reply under paragraph (3) or (4).”.

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**Deletion of rule 10**

8. Rule 10 of the principal Rules is deleted.

**Amendment of rule 11**

9. Rule 11 of the principal Rules is amended —

- (a) by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) The following persons may apply to the Court to represent a person lacking capacity in any proceedings in the Court to which the person lacking capacity is a party:

- (a) a deputy appointed or deemed to be appointed for the person lacking capacity by the Court under the Mental Capacity Act;
- (b) a donee of a lasting power of attorney granted, by the person lacking capacity, under the Mental Capacity Act;
- (c) a person related by blood or marriage to the person lacking capacity.

(3) An application under this rule must be made by summons in Form 16 and be supported by an affidavit.”; and

- (b) by deleting the words “person of unsound mind” wherever they appear in paragraph (4) and substituting in each case the words “person lacking capacity”.

**Deletion and substitution of rule 12 and new rule 12A**

10. Rule 12 of the principal Rules is deleted and the following rules substituted therefor:

**“Memorandum of defence and cross-application**

- 12.—(1) A defendant who has been served with an originating summons and case statement must, if the defendant wishes to

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defend the originating summons, file a memorandum of defence in Form 17, 18 or 19, whichever is appropriate —

- (a) within 21 days after the date of service of the originating summons and case statement; or
- (b) where the Court has extended that period, within the extended period.

(2) The defendant must, as soon as practicable after filing the memorandum of defence, send to the plaintiff or the plaintiff's solicitor a copy of the memorandum of defence sealed with the seal of the Court.

(3) Subject to paragraph (4), a defendant who has filed the memorandum of defence cannot amend the memorandum of defence, or raise any other ground of defence, without the leave of the Court.

(4) Where the plaintiff has amended the plaintiff's originating summons, or the case statement with which the originating summons is endorsed, with the agreement of the defendant under rule 9(5)(b) —

- (a) the defendant may, if the defendant has already served a memorandum of defence on the plaintiff, amend the memorandum of defence without the leave of the Court; and
- (b) the defendant must, if the defendant wishes to defend the amended originating summons, or amended case statement, file a memorandum of defence or an amended memorandum of defence, as the case may be —
  - (i) within 21 days after the date of service of the amended originating summons or amended case statement; or
  - (ii) where the Court has extended that period, within the extended period.

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(5) A defendant who wishes to make a cross-application must, unless the Court gives leave to the contrary, include the cross-application in the memorandum of defence.

(6) Every cross-application must contain a statement of particulars setting out the following matters:

- (a) the nature of the cross-application;
- (b) the grounds for —
  - (i) the cross-application; and
  - (ii) the claims or relief sought;
- (c) particulars of the facts relied upon in support of the cross-application.

(7) A defendant who has filed a cross-application may not amend the cross-application without the leave of the Court.

(8) A defendant must, at the time of filing of the memorandum of defence or at such other time as may be specified by the Court, file the defendant's relevant CPF statement and additional CPF information.

(9) A defendant who has been served with a proposed parenting plan under rule 9B must, in any case where the Court so directs, within the time specified by the Court, or may, in any other case, on the date of filing of the memorandum of defence under this rule, file —

- (a) the defendant's agreement in Form 20 to the proposed parenting plan; or
- (b) a proposed parenting plan in Form 21 setting out the defendant's proposed arrangements for the welfare of every dependent child of the parties.

(10) A defendant who has been served with a proposed matrimonial property plan under rule 9C must, in any case where the Court so directs, within the time specified by the Court, or may, in any other case, on the date of filing of the memorandum of defence under this rule, file —

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- (a) the defendant's agreement in Form 22 to the proposed matrimonial property plan, and the particulars of the HDB matrimonial asset in Form 14; or
  - (b) a proposed matrimonial property plan in Form 23 setting out the defendant's proposed arrangements in respect of the HDB matrimonial asset, and the particulars of the matrimonial asset in Form 14.

(11) Any agreement or proposed parenting plan filed by the defendant under paragraph (9), and any agreement or proposed matrimonial property plan filed by the defendant under paragraph (10), must be sent to the plaintiff —

- (a) together with the defendant's memorandum of defence; or
- (b) if filed after the date of filing of the memorandum of defence, within 2 working days after that agreement, proposed parenting plan or proposed matrimonial property plan (as the case may be) is filed, or within such longer period as the Court may specify.

**Amendment of originating summons, memorandum of defence, etc.**

**12A.**—(1) Subject to these Rules, the Court may, at any stage of the proceedings, allow a party to amend that party's originating summons, case statement, memorandum of defence or summons, or any other document filed by that party —

- (a) on such terms as to costs or otherwise as may be just; and
- (b) in such manner, if any, as the Court may direct.

(2) An order granting leave to amend any originating summons, case statement, memorandum of defence, summons or other document may contain directions as to the making of consequential amendments to any other document that has already been filed, and as to the filing and service of the amended document or any other document.

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(3) Where the originating summons or case statement has been amended in accordance with rule 9(5)(b), and whether or not the defendant files a memorandum of defence or an amended memorandum of defence (as the case may be) under rule 12(4), the Court may make an order directing the making of consequential amendments to any other document that has already been filed, and as to the filing and service of the amended document or any other document.”.

### **Deletion and substitution of rule 13 and new rules 13A, 13B and 13C**

**11.** Rule 13 of the principal Rules is deleted and the following rules substituted therefor:

#### **“Discovery of documents**

**13.—**(1) The Court may, at any time, on the application of any party to any proceedings (called in this rule the applicant), make an order requiring any other party (called in this rule the respondent) to make an affidavit stating whether any document specified or described in the application, or any class of documents so specified or described —

- (a) is or has at any time been in the respondent’s possession, custody or power; and
- (b) if not in the respondent’s possession, custody or power, when the respondent parted with it and what has become of it.

(2) Upon making an order under paragraph (1), if a document or class of documents is stated by the respondent in the respondent’s affidavit to be in the respondent’s possession, custody or power, the Court may order the respondent to exhibit a copy of the document, or a copy of each document in the class of documents, in the affidavit.

(3) An application for an order under this rule must be made by summons in Form 24 and be supported by an affidavit stating the belief of the deponent that —

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- (a) the respondent has, or at some time had, in the respondent's possession, custody or power, the document or class of documents specified or described in the application; and
  - (b) the document mentioned in sub-paragraph (a), or a document in the class of documents mentioned in sub-paragraph (a), falls within one of the following descriptions:
    - (i) a document on which a party relies or will rely;
    - (ii) a document that could —
      - (A) adversely affect a party's case; or
      - (B) support a party's case;
    - (iii) a document that may lead the applicant to a train of inquiry, resulting in the applicant obtaining information that may —
      - (A) adversely affect a party's case; or
      - (B) support a party's case.
- (4) Before an application under paragraph (1) is filed, the applicant must serve a written request in Form 25 on the respondent —
- (a) seeking discovery of the document or class of documents mentioned in paragraph (1); and
  - (b) setting out, in respect of each such document or class of documents, the reasons for requesting for discovery.
- (5) The respondent must serve a notice in Form 26 within 14 days after the respondent is served with the written request, stating —
- (a) the document or class of documents the respondent is willing to provide discovery of, and in what mode the respondent is willing to provide such discovery; and

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(b) the document or class of documents the respondent is not willing or not able to provide discovery of.

(6) Unless otherwise agreed by the parties, the document or class of documents mentioned in paragraph (5)(a) must be provided or made available to the applicant within 28 days after the date the respondent is served with the written request.

(7) No application may be made under paragraph (1) unless —

(a) the time specified in paragraph (5) for serving the notice has elapsed, and the respondent has not served the notice;

(b) the time specified in paragraph (6) for providing or making available the document or class of documents mentioned in paragraph (5)(a) has elapsed, and the respondent has not provided or made available the document or class of documents; or

(c) the respondent has stated that the respondent is not willing or not able to provide discovery of any document or class of documents specified in the written request.

(8) In deciding whether to grant an order under paragraph (1), the Court must take into account —

(a) the extent of discovery that the respondent has stated that the respondent is willing to provide under paragraph (5)(a); and

(b) any offer made by the respondent to give particulars or make admissions relating to any matter in question.

(9) The Court must not make an order under paragraph (1) if, and so far as the Court is of the opinion that, the discovery is not necessary either for disposing fairly of the matter or for saving costs.

(10) The Court must not make an order under paragraph (1) against the respondent before the respondent has filed the respondent's affidavit of evidence-in-chief, unless in the opinion

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of the Court there are exceptional circumstances necessitating the making of the order.

### **Order for production to Court**

**13A.**—(1) The Court may, at any stage of the proceedings, order any party to produce to the Court any document in that party's possession, custody or power that falls within one of the following descriptions:

- (a) a document on which a party relies or will rely;
- (b) a document that could —
  - (i) adversely affect a party's case; or
  - (ii) support a party's case;
- (c) a document that may lead a party to a train of inquiry, resulting in the obtaining of information that may —
  - (i) adversely affect a party's case; or
  - (ii) support a party's case.

(2) The Court may deal with any document produced pursuant to an order under paragraph (1) in such manner as the Court thinks fit.

### **Failure to comply with order of discovery or production**

**13B.** A party who fails to comply with any requirement in rule 13 or 13A, or any order made under rule 13 or 13A, to give discovery of, or to produce, any document —

- (a) may not rely on that document except with the leave of the Court; and
- (b) may have an adverse inference drawn against that party.

### **Information as to other proceedings relating to children**

**13C.** On any application relating to any dependent child of the parties, the applicant must bring to the Court's attention any

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proceedings relating to that child that may be in progress in any court in Singapore or elsewhere.”.

### **Amendment of rule 14**

**12.** Rule 14 of the principal Rules is amended —

- (a) by deleting the words “registrar or the” wherever they appear in paragraphs (1) and (4); and
- (b) by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) Before making any interim order under paragraph (1), the Court must have regard to all the circumstances of the case, including the following matters:

- (a) whether there are any proceedings relating to the child that may be in progress in any court in Singapore or elsewhere, or are the subject of any order of court in Singapore;
- (b) whether the child should be produced before the Court during the proceedings;
- (c) whether any party is likely to take the child outside Singapore during the proceedings.

(3) An application under paragraph (1) —

- (a) must be made by summons in Form 27 and supported by an affidavit; and
- (b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.”.

### **Amendment of rule 15**

**13.** Rule 15 of the principal Rules is amended —

- (a) by deleting the words “registrar or the” wherever they appear in paragraph (1); and

(b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) An application under paragraph (1) —

(a) must be made by summons in Form 28 and supported by an affidavit; and

(b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.

(3) The Court may, in an appropriate case, dispense with the requirement in paragraph (2).”.

### **Deletion and substitution of rule 16**

14. Rule 16 of the principal Rules is deleted and the following rule substituted therefor:

#### **“Intervener**

**16.**—(1) The Court may, on the application of either or both of the following persons, join a person who is not a party to, but has an interest in, any proceedings in the Court (called in this rule the interested person) as an intervener in those proceedings on such terms as the Court thinks fit:

(a) the interested person;

(b) a party to those proceedings, with the consent of the interested person.

(2) An application under paragraph (1) —

(a) must be made by summons in Form 29 and supported by an affidavit; and

(b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.”.

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**Amendment of rule 17**

**15.** Rule 17 of the principal Rules is amended —

(a) by deleting paragraphs (1) and (2) and substituting the following paragraph:

“(1) An application for leave to commence or to continue proceedings under section 35A of the Act —

(a) must be made by summons in Form 30 and supported by an affidavit made by the applicant; and

(b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.”;

(b) by deleting the words “Form 27” in paragraph (3) and substituting the words “Form 31”;

(c) by deleting the words “Form 28” in paragraph (4) and substituting the words “Form 32”; and

(d) by deleting the words “Form 29” in paragraph (5) and substituting the words “Form 33”.

**New rule 17A**

**16.** The principal Rules are amended by inserting, immediately after rule 17, the following rule:

**“Stay of proceedings**

**17A.**—(1) An application for a stay of proceedings under section 36 of the Act must be made by summons supported by an affidavit.

(2) An application under paragraph (1) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.”.

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**Deletion and substitution of rule 18 and new rule 18A**

17. Rule 18 of the principal Rules is deleted and the following rules substituted therefor:

**“Withdrawal, compromise and settlement**

**18.**—(1) An originating summons or a summons in respect of any proceedings for divorce may be withdrawn by the plaintiff or applicant without the leave of the Court, if —

(a) the husband has not pronounced talak; and

(b) either of the following applies:

(i) at any time before the originating summons or summons is served on the defendant or respondent, the plaintiff or applicant files a Notice of Withdrawal in Form 34;

(ii) at any time before judgment, a Notice of Withdrawal in Form 34 that is signed by, and endorsed with the consent of, all the parties is filed.

(2) An originating summons or a summons in respect of any other proceedings may be withdrawn by the plaintiff or applicant without the leave of the Court, at any time before the originating summons or summons is served on the defendant or respondent, by filing a Notice of Withdrawal in Form 34.

(3) Except as provided in paragraphs (1) and (2), a party may not withdraw an originating summons or a summons without the leave of the Court.

(4) The Court hearing an application for leave under paragraph (3) may order the originating summons or summons mentioned in that paragraph to be withdrawn on such terms as to costs, the bringing of a subsequent action or otherwise as the Court thinks fit.

(5) Where a party, who has withdrawn an originating summons or a summons and is ordered under paragraph (4) to pay any other party’s costs of the action, brings another action

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for the same (or substantially the same) matter, the Court may order that the second action be stayed until those costs are paid.

(6) An originating summons in respect of any proceedings for divorce or nullity of marriage is deemed to be withdrawn against a defendant if —

(a) either of the following is not filed, in respect of the service on that defendant of the originating summons and case statement, before the expiry of 6 months after the validity of the originating summons for the purpose of service has expired:

(i) an affidavit of service in Form 35;

(ii) an acknowledgment of service in Form 36; and

(b) the defendant does not file a memorandum of defence under rule 12 within the period mentioned in sub-paragraph (a).

(7) The parties to any proceedings in the Court may, at any stage of the proceedings, reach a compromise or settlement, and the Court may, if requested by the parties, record the terms of the compromise or settlement.

(8) A person, who has been appointed under rule 11 to represent any minor or person lacking capacity in any proceedings, must not withdraw the originating summons or summons by which the proceedings are commenced, or reach a compromise or settlement in the proceedings, without the leave of the Court.

**Court may make orders and give directions for just, expeditious and economical disposal of proceedings**

**18A.—**(1) The Court may, at any time after the commencement or at the hearing of any proceedings, of its own motion or on an application by any party to the proceedings, direct all or any of the parties to those proceedings to appear before the Court, for the Court to make such order or give such direction as the Court thinks fit, for the just, expeditious and economical disposal of the matter.

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(2) The directions that the Court may give under paragraph (1) include directions on one or more of the following matters:

- (a) that all or any of the parties to the proceedings attend counselling or participate in such family support programme or activity as the Court thinks fit;
- (b) that all or any of the parties to the proceedings attend a mediation session or pre-trial conference relating to any matter arising in the proceedings;
- (c) that evidence in proceedings be given orally or by affidavit, or by a combination of oral evidence and affidavit evidence, with or without cross-examination of any deponent;
- (d) that a witness be called to give evidence with a view to assisting in the resolution or disposal of the proceedings;
- (e) that evidence may be given through a live video or live television link.

(3) Without affecting paragraph (1), at a mediation session or pre-trial conference, the Court may —

- (a) consider any matter, including the possibility of settlement of all or any of the issues in the proceedings; and
- (b) require the parties to furnish to the Court such information as the Court thinks fit.

(4) Where a party defaults in complying with any order made or direction given by the Court under paragraph (1), the Court may —

- (a) dismiss the action;
- (b) strike out the cross-application; or
- (c) make such order as the Court thinks fit.”.

### **Deletion of rule 19**

**18.** Rule 19 of the principal Rules is deleted.

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**Amendment of rule 20**

**19.** Rule 20 of the principal Rules is amended —

- (a) by deleting the words “Form 30” in paragraph (1) and substituting the words “Form 37”;
- (b) by deleting the words “Form 31” in paragraph (2) and substituting the words “Form 38”; and
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Unless the Court otherwise orders, a subpoena must be served personally.”.

**Amendment of rule 21**

**20.** Rule 21 of the principal Rules is amended by deleting the words “Form 32” and substituting the words “Form 39”.

**Deletion of rule 22**

**21.** Rule 22 of the principal Rules is deleted.

**Amendment of rule 23**

**22.** Rule 23 of the principal Rules is amended by deleting the words “the registrar or” wherever they appear in paragraphs (2), (3) and (4).

**Deletion and substitution of rule 24 and new rules 24A and 24B**

**23.** Rule 24 of the principal Rules is deleted and the following rules substituted therefor:

**“Evidence**

**24.—**(1) Unless otherwise directed by the Court, the evidence of a party to any proceedings in the Court and the party’s witnesses must be adduced by way of affidavit.

(2) Every affidavit made by any person under these Rules must depose to —

- (a) the facts of which the deponent has personal cognizance; and

(b) where applicable, the belief of the deponent in the truth of any other facts.

(3) The Court may, at any stage of any proceedings in the Court, appoint a person whom the Court considers appropriate to assist on any point of law, legal procedure or evidence.

### **Filing of affidavits in originating summons or summons**

**24A.**—(1) Unless the Court otherwise directs, a plaintiff or an applicant who intends to adduce evidence in support of an originating summons (other than in respect of proceedings for divorce or nullity of marriage), a variation application or a summons (other than in respect of a variation application) must do so by affidavit.

(2) The plaintiff or applicant must —

(a) file the affidavit at the time of filing of the originating summons, variation application or summons; and

(b) serve a copy of the originating summons, variation application or summons, together with the supporting affidavit, on every defendant or respondent.

(3) A defendant or respondent who is served with, and intends to adduce evidence in relation to, an originating summons (other than in respect of proceedings for divorce or nullity of marriage), a variation application or a summons (other than in respect of a variation application) must file an affidavit-in-reply, and serve a copy of the affidavit-in-reply on the plaintiff or applicant, not later than —

(a) in the case of any such originating summons or variation application, 21 days after the date of service of a copy of the plaintiff's or applicant's affidavit under paragraph (2); or

(b) in the case of any such summons, 14 days after the date of service of a copy of the plaintiff's or applicant's affidavit under paragraph (2).

(4) Where the defendant or respondent has served a copy of an affidavit-in-reply in respect of an originating summons or a

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variation application mentioned in paragraph (3), the plaintiff or applicant may not file a further affidavit without the leave of the Court.

(5) Unless the Court otherwise directs, where the defendant or respondent has served a copy of an affidavit-in-reply in respect of a summons mentioned in paragraph (3), the plaintiff or applicant may file a further affidavit, and serve a copy of the further affidavit on the defendant or respondent, within 14 days after being served with the affidavit-in-reply.

(6) This rule does not apply to any affidavit of evidence-in-chief or reply affidavit filed in respect of an originating summons in respect of proceedings for divorce or nullity of marriage under rule 24B.

### **Filing of affidavit of evidence-in-chief**

**24B.**—(1) In any proceedings for divorce or nullity of marriage, or in an application for an order to be made consequent on any proceedings for divorce or nullity of marriage, the parties must, if the Court so orders, file and exchange their affidavits of evidence-in-chief —

(a) in such manner as the Court may direct; and

(b) within such period as the Court may direct.

(2) After the exchange of the affidavits of evidence-in-chief, a party may file, and serve on the other party, a reply affidavit in response to the other party's affidavit of evidence-in-chief within such time as the Court may direct.

(3) No further affidavit is to be received in evidence without the leave of the Court.

(4) An application for leave under paragraph (3) must be made by way of summons, unless the Court otherwise directs.”.

### **Deletion and substitution of rule 25 and new rules 25A and 25B**

**24.** Rule 25 of the principal Rules is deleted and the following rules substituted therefor:

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**“Examination of child directed by Court**

**25.** When considering any question relating to the welfare or interest of, or relating to the custody, care and control of and access to, any child, the Court may, on its own motion and with a view to obtaining a report on the welfare of the child, direct that the child be examined or assessed by a person, whether or not a public officer, who is trained or has experience in matters relating to child welfare.

**Examination of child with leave of Court**

**25A.—**(1) An application for leave to appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional under section 43B of the Act must be made by summons and supported by an affidavit.

(2) At the hearing of the leave application, the Court may give such directions and make such orders as it thinks fit, including directions —

- (a) relating to the appointment of an independent expert and the payment of the expert’s remuneration; and
- (b) limiting the number of experts who may be called in the proceedings.

(3) To avoid doubt, no application under paragraph (1) may be made —

- (a) for the appointment of a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is —
  - (i) a public officer in the Court; or
  - (ii) a person who is involved in the examination and assessment of the child pursuant to rule 25; or
- (b) in respect of any examination or assessment of a child directed by the Court under rule 25.

### **Role of child representative**

**25B.**—(1) Where the Court requires a child to attend before the Court for the purposes of resolving any issue involving the custody or welfare of the child, the Court may order a child representative to be present in Court during such attendance.

(2) The child representative must act in what the child representative believes to be in the best interests of the child.

(3) Subject to paragraph (2) and unless the Court otherwise directs, the child representative must, as far as possible and to the best of the child representative’s ability —

- (a) assist the child in expressing the child’s view to the Court fully and accurately, and free from the influence of any person; and
- (b) bring to the Court’s attention any matters or evidence relevant to advancing the interests of the child that the child representative is aware or cognizant of, having regard to the child representative’s training or experience in matters relating to child welfare.”.

### **Deletion and substitution of rule 27 and new rule 28**

**25.** Rule 27 of the principal Rules is deleted and the following rules substituted therefor:

#### **“Judgment decrees and orders**

**27.**—(1) Every decree of divorce or nullity of marriage, and every order made by the Court, must be —

- (a) issued by the Court in Form 40 or Form 41, whichever is appropriate;
- (b) dated and signed by the Court; and
- (c) sealed and retained by the Court.

(2) A certified copy of any decree or order made by the Court may be issued to any party to the proceedings on payment of the prescribed fee specified in the Third Schedule.

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(3) An order granted on an ex parte application under rule 14(4) must be in Form 42.

### **Variation application**

**28.** A variation application must be made to the Court by summons supported by an affidavit.”.

### **Deletion and substitution of rule 29**

**26.** Rule 29 of the principal Rules is deleted and the following rule substituted therefor:

#### **“Registration of divorce**

**29.** A divorce must be registered in the Register of Divorces in Form 3.”.

### **Deletion and substitution of rule 31**

**27.** Rule 31 of the principal Rules is deleted and the following rule substituted therefor:

#### **“Costs**

**31.—(1)** A party to any proceedings is not entitled to recover any costs of or incidental to the proceedings from any other party to the proceedings except under an order of the Court.

(2) If the Court in its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court must order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.

(3) The Court may, in an appropriate case, order a solicitor acting for a party in any proceedings in the Court to bear the solicitor’s costs personally.

(4) In making an order under this rule, the Court may have regard to any practice applicable to civil proceedings in any court.

(5) In this rule, “costs” includes any fees, charges, disbursements, expenses and remuneration of any of the

parties to the proceedings, witnesses and any intervener joined by the Court under rule 16(1).”.

### **Amendment of rule 32**

**28.** Rule 32 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The appointment of hakam by the Court under section 50(1) of the Act must be made in Form 43.”;

(b) by deleting the words “the registrar or” in paragraph (2);

(c) by deleting the words “or the registrar” in paragraph (4) and substituting the words “(whether made by a president of the Court or the registrar)”; and

(d) by deleting the words “the Court” in paragraph (4)(a) and (b) and substituting in each case the words “a president of the Court”.

### **Deletion and substitution of rules 33 and 34 and new rule 34A**

**29.** Rules 33 and 34 of the principal Rules are deleted and the following rules substituted therefor:

#### **“Service of originating summons, etc.**

**33.—**(1) Unless the Court otherwise directs, the plaintiff must serve the following on the defendant personally or by registered post:

(a) in the case of an originating summons in respect of any proceedings for divorce or nullity of marriage, a copy each of the originating summons and case statement, together with —

(i) a copy of an acknowledgment of service in Form 36;

(ii) a copy of a memorandum of defence in Form 17, 18 or 19, as appropriate;

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(iii) a copy of any parenting plan filed under rule 9B; and

(iv) a copy of any matrimonial property plan filed under rule 9C;

(b) in any other case, a copy each of the originating summons and any case statement.

(2) Unless the Court otherwise directs, the defendant must serve a copy of a cross-application in proceedings for a divorce on the plaintiff personally or by registered post.

(3) Unless the Court otherwise directs, the applicant in a variation application must serve a copy of the variation application on the respondent personally or by registered post.

(4) Personal service under these Rules must be effected by a process server of the Court, by a solicitor, or by a solicitor's clerk whose name and particulars have been notified to the Court in such manner as the Court may direct for this purpose.

(5) Despite paragraph (4), the Court may, in a particular cause or matter, allow personal service to be effected by any other named person and must, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.

(6) Personal service of an originating summons, a cross-application or a variation application is effected by leaving with the person to be served a sealed copy of the originating summons, cross-application or variation application.

(7) Where an originating summons, a cross-application or a variation application is served by registered post, a copy of an acknowledgment of service in Form 36 must be served together with the originating summons, cross-application or variation application.

(8) Where the solicitor for a party endorses on a document served under paragraph (1), (2) or (3) a statement that the solicitor accepts service of the document on the party's behalf, the document is deemed —

- (a) to have been duly served on the party; and
- (b) to have been so served on the date on which the endorsement was made.

(9) For the purposes of paragraphs (1), (2), (3) and (7), a party's document is deemed to have been duly served on another party by registered post if —

- (a) the document is sent by prepaid registered post to the second-mentioned party; and
- (b) the second-mentioned party signs and returns an acknowledgment of service in Form 36 to the solicitor for the first-mentioned party, or to the first-mentioned party (if the first-mentioned party is acting in person), at the first-mentioned party's address for service.

### **Substituted service**

**34.**—(1) The Court may, on an application for leave to substitute any mode of service specified in rule 33 with another mode of service, or with notice of proceedings by advertisement, direct that service be effected in such mode of service as the Court thinks fit.

(2) An application for leave under paragraph (1) must be made *ex parte* by summons supported by an affidavit setting out the grounds of the application.

(3) Where leave is given under paragraph (1) to substitute any mode of service specified in rule 33 with notice of proceedings by advertisement, the form of the advertisement must be made in accordance with Form 44.

(4) The Court may, in an appropriate case, order that service on any person of an originating summons or a variation application, and any subsequent or related documents filed in the proceedings, be dispensed with.

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**Proof of service**

**34A.** Unless the Court otherwise directs, an originating summons in respect of any proceedings for divorce or nullity of marriage must not proceed to trial or hearing unless —

- (a) the defendant has filed a memorandum of defence under rule 12; or
- (b) where the defendant has not filed a memorandum of defence —
  - (i) it is shown by affidavit in Form 35 that the defendant has been served with the originating summons and case statement;
  - (ii) the defendant has returned to the plaintiff's solicitor, or to the plaintiff (if the plaintiff is acting in person), an acknowledgment of service in Form 36, and that acknowledgment of service is filed in Court;
  - (iii) it is shown by the form titled "Form for Acknowledgment of Service (By Court Process Server)" that the defendant has been served with the originating summons and case statement by a process server of the Court; or
  - (iv) the defendant has appeared in Court at least once for the purposes of the proceedings."

**Deletion and substitution of rule 35 and new rule 35A**

**30.** Rule 35 of the principal Rules is deleted and the following rules substituted therefor:

**"Service of summons and other documents**

**35.—**(1) Subject to rules 33, 34 and 34A, unless the Court otherwise directs, any summons or other document must be served by ordinary service in accordance with paragraph (2).

(2) Ordinary service, of any document that is not required to be served personally, is effected —

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- (a) by leaving the document at the address for service of the person to be served;
  - (b) by sending the document by post to the address for service of the person to be served; or
  - (c) in such other manner as the Court may direct.

(3) For the purposes of paragraph (2), if at the time when service is effected, the person who is to be served has no address for service, his address for service is his usual or last known address.

(4) Unless otherwise provided or directed by the Court, a summons must be served within 7 days after the filing of the summons.

(5) The Court may, in an appropriate case, order that service on any person of a summons or document, and any subsequent or related documents filed in the proceedings, be dispensed with.

### **Affidavit of service**

**35A.** An affidavit of service of any document must —

- (a) state by whom the document was served;
- (b) state the day of the week and the date on which the document was served;
- (c) state where and how the document was served; and
- (d) be in Form 35.”.

### **Amendment of rule 36**

**31.** Rule 36 of the principal Rules is amended —

- (a) by deleting the words “Form 41” in paragraph (1) and substituting the words “Form 45”; and
- (b) by deleting the words “Form 42” in paragraph (3) and substituting the words “Form 46”.

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**Deletion and substitution of rule 37**

**32.** Rule 37 of the principal Rules is deleted and the following rule substituted therefor:

**“Appointment and discharge of solicitors**

**37.—**(1) Where a party appoints a solicitor to act in any proceedings on the party’s behalf, a notice of appointment of solicitor in Form 47 must be filed in the Court.

(2) A solicitor who is acting for a party in any cause or action must attend all proceedings in the Court relating to that cause or action, including mediation sessions and pre-trial conferences.

(3) Where a party who has appointed a solicitor to act in any proceedings appoints another solicitor in place of that solicitor —

(a) a notice of change of solicitor in Form 48 must be filed in the Court; and

(b) until that notice is filed and served in accordance with this rule, the first-mentioned solicitor is to be treated as the solicitor of the party.

(4) A party giving a notice mentioned in paragraph (1) or (3) must serve a copy of the notice on every other party to the proceedings and, in the case of a change of solicitors, on the former solicitor.

(5) Where a party, after being represented by a solicitor, intends and is entitled to act in person —

(a) the party may make that change without an order by filing a notice of intention to act in person in Form 49; and

(b) paragraphs (3) and (4) apply, with the necessary modifications, to a notice of intention to act in person as they apply to a notice of change of solicitor, except that the notice of intention to act in person must contain an address for service of the party giving the notice.

(6) Where a solicitor who has acted for a party in any proceedings ceases so to act, and the party has not given a notice of change in accordance with paragraph (3) or a notice of intention to act in person in accordance with paragraph (5) —

- (a) the solicitor may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor acting for the party in the proceedings; and
- (b) the Court may make an order accordingly.

(7) An application for an order under paragraph (6) must —

- (a) be made by summons in Form 50; and
- (b) be supported by an affidavit stating the grounds of the application.

(8) Despite paragraph (6), until the solicitor serves a copy of the order and files a notice in Form 51, the solicitor is considered the solicitor of the party.”.

### **Amendment of rule 38**

**33.** Rule 38 of the principal Rules is amended —

- (a) by deleting the words “the Court” in paragraphs (1), (4) and (5) and substituting in each case the words “a president of the Court”;
- (b) by deleting the words “to the Court” in paragraph (2); and
- (c) by deleting the words “Form 46” in paragraph (2) and substituting the words “Form 52”.

### **Amendment of rule 39**

**34.** Rule 39 of the principal Rules is amended —

- (a) by deleting the words “Form 47” in paragraph (2) and substituting the words “Form 53”;
- (b) by deleting the word “fee” in paragraphs (2), (6) and (18)(b) and substituting in each case the word “fees”;
- (c) by deleting the words “Form 48” in paragraph (7) and substituting the words “Form 54”;

- (d) by deleting the words “Form 49” in paragraph (12)(a) and substituting the words “Form 55”;
- (e) by deleting the words “of service of the petition of appeal by the respondent” in paragraph (12)(b) and substituting the words “after the date of service of the petition of appeal on the respondent”; and
- (f) by deleting the words “Form 50” in paragraphs (17) and (22) and substituting in each case the words “Form 56”.

#### **Amendment of rule 40**

**35.** Rule 40 of the principal Rules is amended —

- (a) by deleting the words “Form 51” in paragraph (2) and substituting the words “Form 57”;
- (b) by deleting the word “fee” in paragraphs (2) and (6) and substituting in each case the word “fees”; and
- (c) by deleting the words “Form 50” in paragraph (10) and substituting the words “Form 56”.

#### **Amendment of rule 41**

**36.** Rule 41(6) of the principal Rules is amended by deleting the words “Form 52” and substituting the words “Form 58”.

#### **Amendment of rule 42**

**37.** Rule 42(1) of the principal Rules is amended by deleting the words “Form 50” and substituting the words “Form 56”.

#### **Amendment of rule 44**

**38.** Rule 44 of the principal Rules is amended by inserting, immediately after the words “these Rules”, the words “and practice directions”.

#### **Amendment of rule 45**

**39.** Rule 45(2) of the principal Rules is amended by inserting, immediately after the words “by reason of the poverty of that person”, the words “, or for any other good reason”.

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**Deletion of First Schedule**

**40.** The First Schedule to the principal Rules is deleted.

**Amendment of Second Schedule**

**41.** Paragraph (1) of the Second Schedule to the principal Rules is amended by deleting the words “person of unsound mind” and substituting the words “person lacking capacity”.

**Amendment of Part I of Third Schedule**

**42.** Part I of the Third Schedule to the principal Rules is amended by deleting the words “18 years” in item 3A and substituting the words “21 years”.

**Saving and transitional provisions**

**43.—**(1) Despite rules 3 and 40, rule 3 of, and the First Schedule to, the principal Rules as in force immediately before 22 October 2018 continue to apply to an application made before that date to a Kadi or Naib Kadi for solemnization of a marriage under section 95 of the Act.

(2) Rule 4 does not apply to an application made before 22 October 2018 to a Kadi or Naib Kadi for solemnization of a marriage under section 95 of the Act.

(3) These Rules apply to every proceeding and every appeal under Part III of the Act, whether the proceeding is commenced, or the appeal is made, before, on or after 22 October 2018.

(4) On and after 22 October 2018, anything done under any provision of the principal Rules as in force before that date continues to have effect as if it had been done under the corresponding provision of the principal Rules as amended by these Rules.

(5) On and after 22 October 2018, any reference in the principal Rules as in force on that date to anything done under a provision of those Rules includes a reference to the same thing done before that

date under a corresponding provision of the principal Rules as in force before that date.

*[G.N. Nos. S 163/2001; S 388/2001; S 101/2002;  
S 527/2002; S 1/2003; S 600/2005; S 51/2009;  
S 222/2010; S 495/2011; S 804/2017]*

Made on 14 September 2018.

By Command,

TAN KEE YONG  
*Secretary to the Cabinet,  
Singapore.*

[MCCY 76-04-02; AG/LEGIS/SL/3/2015/5 Vol. 2]